

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DAVID FLACK, IDOC # M-37830,

Plaintiff,

vs.

RANDY DAVIS,

Defendant.

Case No. 14-cv-93-MJR

MEMORANDUM AND ORDER

REAGAN, District Judge:

On March 5, 2014, this Court dismissed Plaintiff's unsigned complaint and denied his motion for leave to proceed in forma pauperis (IFP) (Doc. 4). In order to proceed with this matter, Plaintiff was ordered to submit a new motion for leave to proceed IFP with current information, as well as an amended complaint. Plaintiff was to take these actions no later than April 9, 2014.

That deadline has now passed, and Plaintiff has failed to submit an amended pleading or a renewed motion for leave to proceed IFP. As Plaintiff was warned, this case is now subject to dismissal because of his inaction.

IT IS THEREFORE ORDERED that this action is **DISMISSED with prejudice** for failure to comply with an order of this Court. *See* FED. R. CIV. P. 41(b). The dismissal of this action does not relieve Plaintiff of the obligation to pay the \$400.00 filing fee, which he incurred when he filed the case.

If Plaintiff wishes to appeal this dismissal, he may file a notice of appeal with this Court within thirty days of the entry of judgment. FED. R. APP. P. 4(a)(1)(A). A motion for leave to

appeal *in forma pauperis* should set forth the issues Plaintiff plans to present on appeal. *See* FED. R. APP. P. 24(a)(1)(C). If Plaintiff does choose to appeal, he will be liable for the \$505.00 appellate filing fee irrespective of the outcome of the appeal. *See* FED. R. APP. P. 3(e); 28 U.S.C. § 1915(e)(2); *Ammons v. Gerlinger*, 547 F.3d 724, 725-26 (7th Cir. 2008); *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). A timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline. FED. R. APP. P. 4(a)(4).

The Clerk is **DIRECTED** to **CLOSE THIS CASE** and enter judgment accordingly.

IT IS SO ORDERED.

DATED: April 16, 2014

s/ MICHAEL J. REAGAN
United States District Judge